IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

Crl.Rev.Pet.No. 2657 of 2007()

CRA.206/1999 of ADDL. SESSIONS COURT (ADHOC), TRIVANDRUM
CC.69/2007 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, ATTINGAL

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REVN. PETITIONER:

SURESH BABU @ POTTI,
S/O.VELU,
POONKOTTUKONATHU VEEDU,
POONKOTTUKONAM,
CHITTATTINKARA DESOM
EDAKKODE VILLAGE,
THIRUVANANTHAPURAM DISTRICT

BY ADV. SRI.P.K.MUHAMMED

RESPONDENTS:

STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM
(CRIME NO.213/96 OF ATTINGAL POLICE STATION)

BY PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 16/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Crl. R.P. No. 2657 OF 2007

Dated this the 16th day of July, 2007

O R D E R

Heard both sides.

2. The revision petitioner stands concurrently convicted for offences punishable under sections 452, 324 and 427 IPC and sentenced to undergo simple imprisonment for one year for each of the aforesaid offences with a direction that the sentences shall run concurrently.

3. Eventhough the learned counsel for the revision petitioner assailed the findings recorded by the courts below, those are findings which have been entered after a careful appreciation of the oral and documentary evidence in the case. Sitting in the rarefied revisional jurisdiction, this court will be loathe to interfere with those findings. I see no reason, therefore, to interfere with the conviction recorded against the revision petitioner.

4. What now survives for consideration is the question of adequacy or otherwise of the sentence imposed on the revision petitioner. It is to be noted that both the courts have been

insensitive to the need to compensate the victims of the crime. On the facts and circumstances of the case, I am of the view that penal servitude by way of incarceration for one year was not warranted in this case and that the interests of justice will be adequately met by directing that the imprisonment already undergone by the petitioner and an appropriate fine will suffice. Accordingly, the sentence imposed on the revision petitioner will stand set aside and instead he is directed to pay a sum of Rs.3,500/-(Rupees three thousand five hundred only) each to PWs2 and 6, the injured, by way of compensation under section 357(3) Cr.P.C. The said compensation shall be paid within two months from today, failing which the revision petitioner shall undergo simple imprisonment for three months by way of default sentence.

This revision is disposed of as above.

(V. RAMKUMAR, JUDGE)

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